

## CHAPTER 5 - THE WAGE DETERMINATION ON LINE (WDOL) PROGRAM

### 5-1. General.

a. Under a Memorandum of Understanding (Appendix F) between the Department of Labor (DOL) and various services within the Department of Defense (DOD), the Corps is now able to obtain current area wage determinations (WDs) via an on-line DOD-wide subscription service known as "WDOL Program". The WDOL Program provides both Service Contract Act (SCA) WDs and Davis-Bacon Act (DBA) general wage decisions to all authorized users for official use in Federal contract actions. At present, the Departments of Air Force, Army, Navy and the Defense Logistics Agency are participants in this program.

b. Under the terms of the MOU, the participating DOD agencies must ensure that its personnel are appropriately trained in the implementation of SCA WD database. The DBA WD database is available for use immediately, and DBA WDs will continue to be incorporated into DBA-covered contract actions in accordance with existing regulations. This "User's Guide" provides the basic, required training and guidance in the use of the SCA WD database on the WDOL Program.

c. Use of the SCA WD database for official contract actions is limited to personnel within the participating DOD agencies (those which are signature to the MOU with DOL). Contracting activities desiring to use the WDOL Program for SCA WDs must certify to their Agency Labor Advisor that training has been completed. USACE members who have completed the on-line training may forward an e-mail notification to the HQUSACE Labor Advisor, CECC-C (gregory.m.noonan@usace.army.mil) advising that the training has been completed. No notification is necessary for use of the DBA WDs section of the WDOL program.

### 5-2. WDOL Program Requirements.

a. The WDOL Program, SCA Database, may be used when:

(1) The contracting office has received appropriate training;

(2) The Agency Labor Advisor has certified to DOL that the training has been received;

b. At the time authorization is approved, the contracting activity will no longer be authorized

to use the SCA Blanket WD Program.

5-3. Restrictions on the Use of the WDOL Program. As provided by the agreement with the DOL, the WDOL Program, SCA Database, may not be used if any of the following apply:

- a. In the preceding contract period there was an effective union CBA;
- b. The SCA Database does not contain an appropriate WD, or if the WD deemed applicable omits a principal occupation to be employed on the contract.
- c. The work to be performed relates to the following “non-standard SCA job classifications:
  - (1) Aircraft services (large multi-engine aircraft including/excluding CNET postal contracts).
  - (2) Air transportation
  - (3) Alcoholism drug abuse/compulsive overeating & counseling services
  - (4) Aerial photographers/seeding/spraying services
  - (5) Background investigators
  - (6) Beauty & barber
  - (7) Breath alcohol and/or drug testing services
  - (8) Broadcasting services
  - (9) Child/adolescent psychiatric services
  - (10) Deckhand
  - (11) Decontamination services
  - (12) Demolition
  - (13) Disaster Emergency clean-up and repair services
  - (14) Diving services
  - (15) Driller services
  - (16) Elevator maintenance
  - (17) Emergency incident services
  - (18) Equipment installation & services
  - (19) Fast foods
  - (20) Fire safety services
  - (21) Firewatch services
  - (22) Fish marketing

- (23) Fish & wildlife services
- (24) Food and lodging
- (25) Foreign language translator
- (26) Forestry and land management
- (27) Gage reading and water sampler collection
- (28) Hazardous waste pick-up and disposal services (material/oil spills & related clean-up services)
- (29) Health physics technician
- (30) Income tax preparation services
- (31) Inspection/appraisal services
- (32) Inspector
- (33) Interpreter (sign language)
- (34) Law enforcement
- (35) Maintenance & modifications of weapons systems
- (36) Moving and storage
- (37) Nursing home services
- (38) Occupational therapist
- (39) Oil and gas extraction/drilling
- (40) Psychiatric services
- (41) Quality assurance services
- (42) Radiology services
- (43) Relocation services
- (44) Removal of oil spills, hazardous waste materials
- (45) Residential & halfway house
- (46) Rock crushing & stockpiling
- (47) Small package delivery services (GSA contracts only)
- (48) Sampler collector
- (49) Telecommunication equipment installation & services
- (50) Transcribing machine specialist
- (51) Transportation & disposal of hazardous waste
- (52) Tugboats & coastal vessels
- (53) Urine collection services

d. If there is a question regarding the appropriate contract labor standards applicable to the solicitation (or contract action), contact the District Labor Advisor for guidance on these questions.

5-4. Obtaining WDs Using the WDOL Program.

a. For all contract actions requiring new or revised SCA WDs, the contracting office shall obtain the appropriate WD by accessing the WDOL Program SCA Database no more than 15 days prior to the earlier of the following procurement actions:

- (1) issuing an invitation for bid or request for proposal;
- (2) start of negotiations;
- (3) modification to exercise an option or to extend, or to significantly change scope of work;
- (4) annual/biennial anniversary dates of multi-year contracts.

5-5. When to Submit an SF 98 to DOL Under the WDOL Program. On or before issuing the solicitation, or modification to exercise an option, to extend, or significantly change scope of work, the CO or his/her designee shall take the following actions. Prepare and send (by regular mail) to DOL a complete, signed, and dated SF 98 for each contract action. The SF 98 will note in Box 1 the letters "MOU"; and will note in "Response to Notice" the SCA WD number (including revision) selected from the SCA Database.

5-6. Monitoring the WDOL Program for WD Revisions.

a. Effective WD Revisions are those WDs considered received timely by the contracting agency.

b. Effective WDs are required to be incorporated into contracts.

c. Under the WDOL Program, "receipt" date of a revised WD is the first date at which that WD appears on the WDOL Program SCA Database.

d. Under the WDOL Program, DOL will publish all SCA WD revisions for a given week on the WDOL Program Database each Tuesday.

e. The contracting office must monitor the WDOL Program SCA Database regularly to determine if a selected WD has been revised prior to the expiration of the "effective date" for that particular contract action.

5-7. Timely Receipt of SCA WD Revisions - FAR 22.1012.

a. For contract actions other than Sealed Bidding:

(1) A revised WD shall be effective if it is received by the contracting agency before date of award (or date of modification for option or extension).

(2) If a revised WD is received after award, it shall not be effective if contract performance starts less than 30 days from date of award or modification.

(3) If a revised WD is received after award and performance starts more than 30 days from award date, WD will be effective if received no later than 10 days prior to start of performance.

(4) Under the WDOL Program, "received" includes being published on the WDOL Program SCA Database.

b. For contract actions involving Sealed Bidding: A revised WD shall not be effective if received by the contracting agency less than 10 days prior to opening of bids, unless there is sufficient time to amend the solicitation and incorporate the late WD.

5-8. Selecting the Appropriate SCA WD.

a. Select the WD applicable to the locality (county) where the services are to be performed. If place of performance is unknown, list all possible or potential places based on bidders list information (reference FAR 22.1009), and provide appropriate WDs for each locality listed.

b. On June 1, 1997, DOL initiated a new methodology to determine an appropriate, single SCA H&W benefit rate for SCA WDs. The new, single rate was established at \$1.91 per hour, to be reached in stages over several years (each increase to be published annually on June 1st). On June 1, 2001, DOL published SCA WDs with an H&W rate of \$2.02 per hour. However, DOL will continue to publish SCA WDs listing the old, higher rate of \$2.56 per hour H&W rate because this rate will continue to be applicable to certain contract actions in accordance with DOL's "All Agency Memorandum #188" published in the *Federal Register* on December 30, 1996, (page 68647).

c. Contracting activities must determine the correct H&W rate to use for each contract action, at the time of selection of the WD from the WDOL Program Database.

5-9. Guidelines for Selecting the H&W Benefit Levels.

a. First Guideline: Were the services previously performed under a contract which incorporated the old, higher H&W benefit level of \$2.56? If yes, select the SCA WD containing the same H&W level of \$2.56 for all following contract periods and follow-on contracts for these services at this locality.

b. Second Guideline: Were the services previously performed under a contract using the H&W benefit level of \$.90, or were the services not performed under contract prior to this? If yes, select the SCA WD containing the H&W level of \$1.39/hour (or its successor rate as published by the DOL on or about the first of June each year).

c. Third Guideline: SCA H&W rates in Hawaii and Guam are different amounts, but the application of the levels is the same as noted in the above paragraphs. Questions regarding the appropriate H&W level to select for a particular contract action should be directed to CECC-C.

5-10. Essential WDOL Program Elements.

a. Prior to using the WDOL Program to obtain SCA WDs for specific contract actions, contracting offices must complete the on-line training and receive authorization from the Agency Labor Advisor.

b. The contracting office must select the appropriate SCA WD carefully, and will be responsible for retroactive corrections if the selection is in error.

c. If the preceding contract services were performed by employees subject to a union CBA, DO NOT USE THE WDOL PROGRAM to obtain SCA WDs.

d. Submit to DOL a separate, complete, signed and dated SF 98/98a for each contract action for which a WDOL Program WD is selected.

5-11. Preparation of the WDOL SF 98/98a.

a. Box 1 - Notice No. - Print or type in bold letters "**MOU**" on all SF 98s submitted to DOL under the WDOL Program.

b. Box 2 - Estimated Solicitation Date - The date on which the invitation for bid or request for proposals will be issued.

c. Box 3 - Estimated Date Bids or Proposals Are to be Opened or Negotiations Begun - Self-explanatory. (If other than solicitation, note in this box "Option" or "Extension").

d. Box 4 - Date Contract Performance to Begin - Self-explanatory.

e. Box 5 - Place(s) of Performance -

(1) Box 5a. County and State (2-letter abbreviation) where services are to be performed. This is a required entry.

(2) Box 5b. Installation or city name may be written below county and state.

(3) Box 5c. If place of performance is unknown, list all possible or potential places based on bidders list (reference FAR 22.1009).

(4) Box 5d. For multiple locations, note "Attachment A" in Box 5, and list all locations on a separate, attached sheet (include at the heading of that sheet and all other attachments the SF 98 number and the "**MOU**" notation).

f. Box 6 - Services to be Performed - Use specific, general terminology. Do not use acronyms. Terms such as "construction", "fabrication", or "demolition" prompt further questions regarding possible application of other labor laws. Add sufficient information to anticipate and answer those questions (i.e., "demolition - NOT followed by construction activity"). If the contract results from a reconfiguration or consolidation of several other contracts, Box 6 (or an attachment sheet) should contain a list of those previous contract services and applicable WDs.

g. Box 7 - Information About Contract Performance -

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(1) Box 7a. Services Now Performed by a Contractor. If this box is checked, then Box 8 must be completed.

(2) Box 7b. Services Now Performed by Federal Employees. Check this box if work was previously performed by Federal Civil Service Employees. If work was previously performed exclusively by military personnel, check Box C.

(3) Box 7c. Services Not Presently Being Performed. Self-explanatory. If there are no services presently being performed due to a temporary interruption due to procurement procedures or otherwise, mark Box A instead.

h. Box 8 - Information About the Predecessor Contractor -

(1) Name and address of Incumbent or predecessor contractor.

(2) Wage Determination Number in previous contract.

(3) Name of Union(s) - The contracting office must inquire, at each service contract action, if the predecessor or incumbent contractor employees were performing work while covered by an effective CBA (reference FAR 22.1010). New or revised CBAs must be received by the contracting office within the time lines set forth in FAR 22.1012-3 to be effective. If there is no CBA applicable to any employee performing work on the predecessor contract, enter "NONE" in Box 8c. **DO NOT USE THE WDOL PROGRAM** to obtain SCA WDs if incumbent contractor employees were subject to a CBA. Submit a separate SF 98 to DOL (reference FAR 22.1008 and 22.1012). Questions regarding the applicability of a CBA to a particular contract action should be referred to the Agency Labor Advisor.

i. Box 9 - Official Submitting Notice - Indicate USACE commercial telephone numbers.

j. Box 10 - Name and Title of Person to Whom Response is to be Sent - Enter complete name, title, and address of contracting activity submitting Notice.

k. "Response to Notice" Box - Lower, right corner. Complete this Box only if the SF 98 is being



submitted to DOL under the WDOL Program. Note the number, including revision number and date, of the SCA WD selected from the WDOL Program SCA Database in the lower, right section, in Box A. Authorized contracting personnel will sign and date the SF 98 in the "Response to Notice" Box (mark through the "US Dept of Labor" line).

l. Box 11 (SF 98a) - Notice Number - List the same number as noted on the SF 98, and add the notation of "**MOU**".

m. Box 12 - Classes of Service Employees -

(1) List each class of service employee expected to be employed on the contract.

(2) Use the *Service Contract Act Directory of Occupations*, presently the Fourth Edition, Jan 1993, including Supplement Numbers 1 and 2; include the Directory's 5-digit identification number.

(3) For those situations where the Directory does not contain a classification required to perform contract work, list a generic classification title, and attach a brief position description of the duties and skills required by that classification. Note also, on the SF 98a in Box 14, the Federal Wage Equivalent for that classification (information may be obtained from the appropriate Human Resources office).

n. Box 13 - Number of Employees in Each Class - Self-explanatory.

o. Box 14 - Hourly Wage Rate That Would be Paid if Federally Employed - Self-explanatory. The Fourth Edition of the *Directory* provides Federal Wage Equivalents; therefore, this column may be left blank.